

"the computer can run a program that measures remaining battery capacity or checks for a battery life parameter and generates a warning signal when a low battery condition is detected. The computer could even run a predictive program estimating when the useful battery capacity will expire based upon past usage, and this program could generate a battery life signal related to an estimated remaining battery life of the battery, which could be sent to the money source. The money source, in turn, can use such diagnostic information to send out a new electronic card to the user before the electronic card runs out of battery life."

Thus, the battery life signal is not identical to or the same as a low battery condition, since the battery life signal could be sent when the battery is new, half-used or in a low battery condition. It is, as explained in the specification, "related to an estimated remaining battery life of the battery."

The distinction between a low battery condition and a battery life signal is further emphasized in newly added claims 19-21 which are directed to transmitting the battery life signal, instead of the low battery condition, to the money source. It is respectfully submitted that such claims are allowable for reasons similar to the Examiner's statement of reasons for allowance of claims 12, 13, 14 and 16.

Claim 17 has been rewritten as new claim 18. In former claim 17, a user of the electronic card was provided with a replacement electronic card as soon as the battery life parameter dropped below a selected threshold, whereas in claim 18, the user of the electronic card is provided with a replacement electronic card after the low battery indicator has been submitted to the money source.

Claims 1-3, and 7-11 were rejected under 35 U.S.C. 103(1) as allegedly being unpatentable over McCabe (US 6,068,192) in view of Wong et al. (US 5,956,699) while claims 4-6 were rejected under 35 U.S.C. 103(1) as allegedly being unpatentable over McCabe (US 6,068,192) as modified by Wong as applied to claim 3, in further view of Neustein (US 5,192,947) and Lamensdorf (US 5,568,121). For the reasons set forth below, these rejections are respectfully traversed.

Central to both of the rejections under 35 U.S.C. 103(1) is the teachings of Wong et al. (US 5,956,699). However, the issuance date of Wong et al. is September 21, 1999, which is not more than one year prior to the filing date of this application, and Wong et al. is by the same inventive entity as the present application, which is established by the following declaration:

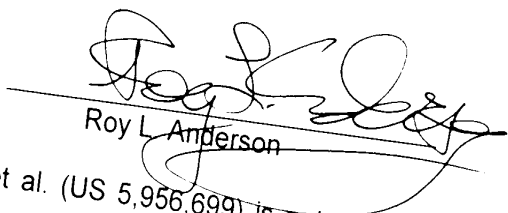
DECLARATION OF ROY L. ANDERSON

I, Roy L. Anderson, do hereby declare and state as follows:

I am one of two inventors in U.S. Patent No. 5,956,699 ("the '699 patent"). The two inventors of the '699 patent are the same two inventors as are the inventors of this application, U.S. Application No. 09/667,039, filed 09/21/2000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed this 17th day of December, 2002, at Glendale, CA.


Roy L. Anderson

In view of the foregoing, Wong et al. (US 5,956,699) is not prior art as to this application, and therefore it cannot be used to support the rejections under 35 U.S.C. 103(1).

Based upon the foregoing, it is respectfully submitted that the claims are now in condition for allowance. Reexamination and reconsideration are respectfully requested.

In the event that any minor changes are needed to place this application in condition for allowance, a telephone call to the undersigned would be greatly appreciated.

Finally, Applicant would like to point out the following additional matters bearing on this application.

First, a CHANGE OF CORRESPONDENCE ADDRESS is enclosed herewith.

Second, an Information Disclosure Statement is filed herewith. It is respectfully requested that the Examiner review the Information Disclosure Statement prior to issuance of a Notice Of Allowance.

Third, a PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) is submitted herewith.


Fourth, check no. 1036 in the amount of \$640.00 is submitted herewith. This check pays the \$180.00 fee for the Information Disclosure Statement pursuant to 37 CFR 1. and the \$460.00 fee for a three month extension of time pursuant to 37 CFR 1.136(1). No new fees are needed for claims. Applicant claims small entity status.

Respectfully submitted,

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Dated: December 17, 2002

By:



Roy L. Anderson
Reg. No. 30,240

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

December 17, 2002
Date of Deposit

Roy L. Anderson
Name of Person Mailing Paper


Signature of Person Mailing Paper